



# UNITED STATES PATENT AND TRADEMARK OFFICE

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IFW#

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/795,966	03/08/2004	Gary Marshik	BSI - 036

021323  
TESTA, HURWITZ & THIBEAULT, LLP  
HIGH STREET TOWER  
125 HIGH STREET  
BOSTON, MA 02110



CONFIRMATION NO. 8628  
FORMALITIES LETTER  
  
\*OC000000012785424\*

Date Mailed: 05/28/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$194** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1094** for a Large Entity

08/02/2004 MAHMED1 00000076 10795966

- **\$770** Statutory basic filing fee.
  - **\$130** Late oath or declaration Surcharge.
- |            |        |    |
|------------|--------|----|
| 01 FC:1001 | 770.00 | OP |
| 02 FC:1201 | 86.00  | OP |
| 03 FC:1202 | 108.00 | OP |
| 04 FC:1051 | 130.00 | OP |

- Total additional claim fee(s) for this application is \$194

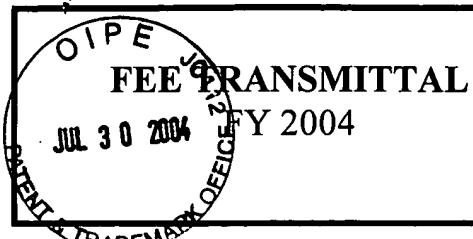
- \$86 for 1 independent claims over 3.
- \$108 for 6 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

N. Mohammad  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



		Complete if Known	
Application Serial Number	10/795,966		
Filing Date	March 8, 2004		
First Named Inventor	Marshik		
Group Art Unit	3634		
Examiner Name	Not Assigned		
Attorney Docket No.	BSI-036		

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																					
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other		<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>130</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td>130.00</td> </tr> <tr> <td>50</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>2,520</td> <td>2,520</td> <td>Request for ex parte reexamination</td> <td></td> </tr> <tr> <td>110</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>420</td> <td>210</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>950</td> <td>475</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1480</td> <td>740</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>2010</td> <td>1005</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>330</td> <td>165</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>330</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>290</td> <td>145</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>180</td> <td>180</td> <td>Submission of Information Disclosure Statement</td> <td></td> </tr> <tr> <td>770</td> <td>385</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>770</td> <td>385</td> <td>For each additional invention to be Examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>100</td> <td>100</td> <td>Certificate of Correction for Applicant's error</td> <td></td> </tr> <tr> <td>110</td> <td>55</td> <td>Submission of Terminal Disclaimer</td> <td></td> </tr> <tr> <td colspan="2">Other fee (Specify)</td> <td colspan="2"></td> </tr> <tr> <td colspan="2">Other fee (Specify)</td> <td colspan="2"></td> </tr> </tbody> </table>		Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath	130.00	50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	Request for ex parte reexamination		110	55	Extension for reply within first month		420	210	Extension for reply within second month		950	475	Extension for reply within third month		1480	740	Extension for reply within fourth month		2010	1005	Extension for reply within fifth month		330	165	Notice of Appeal		330	165	Filing a brief in support of an appeal		290	145	Request for oral hearing		130	130	Petitions to the Commissioner		180	180	Submission of Information Disclosure Statement		770	385	Filing a submission after final rejection (37 CFR 1.129(a))		770	385	For each additional invention to be Examined (37 CFR 1.129(b))		100	100	Certificate of Correction for Applicant's error		110	55	Submission of Terminal Disclaimer		Other fee (Specify)				Other fee (Specify)																																			
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2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.		<b>1. FILING FEE</b> <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee (\$)</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>770</td> <td>Utility filing fee</td> <td>770.00</td> <td></td> </tr> <tr> <td>340</td> <td>Design filing fee</td> <td></td> <td></td> </tr> <tr> <td>160</td> <td>Provisional filing fee</td> <td></td> <td></td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th></th> <th>Number Filed</th> <th>Number Extra</th> <th>Rate</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>26</td> <td>- 20 = 6</td> <td>x \$ 18.00 =</td> <td>108.00</td> </tr> <tr> <td>Independent Claims</td> <td>4</td> <td>- 3 = 1</td> <td>x \$ 86.00 =</td> <td>86.00</td> </tr> <tr> <td><input type="checkbox"/> Multiple Dependent Claim(s), if any</td> <td></td> <td></td> <td>\$290.00 =</td> <td></td> </tr> <tr> <td colspan="4"></td> <td>TOTAL: 964.00</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="2">SMALL ENTITY DISCOUNT:</th> <th rowspan="2">SUBTOTAL (1) (\$)</th> <th rowspan="2">964.00</th> </tr> <tr> <th colspan="2"></th> </tr> </thead> </table> <b>2. AMENDMENT CLAIM FEES</b> <table border="1"> <thead> <tr> <th>Claims Remaining</th> <th>Highest No. Previously</th> <th>Present Extra</th> <th>Rate</th> <th>Fee Paid</th> </tr> <tr> <th>After Amend.</th> <th>Paid For</th> <td></td> <td></td> <td></td> </tr> </thead> <tbody> <tr> <td>Total</td> <td>-</td> <td>=</td> <td>x \$ 18.00 =</td> <td></td> </tr> <tr> <td>Indep.</td> <td>-</td> <td>=</td> <td>x \$ 86.00 =</td> <td></td> </tr> <tr> <td><input type="checkbox"/> First Presentation of Multiple Dep. Claim</td> <td></td> <td></td> <td>+ \$290.00 =</td> <td></td> </tr> <tr> <td colspan="2"></td> <td>TOTAL:</td> <td>(\$)</td> <td></td> </tr> <tr> <td colspan="2"></td> <td>SMALL ENTITY DISCOUNT:</td> <td>(\$)</td> <td></td> </tr> <tr> <td colspan="2"></td> <td>SUBTOTAL (2)</td> <td>(\$)</td> <td>0.00</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="2"></th> <th colspan="2">SUBTOTAL (3) (\$)</th> <th>130.00</th> </tr> </thead> </table> <table border="1"> <thead> <tr> <th colspan="2"></th> <th colspan="2">SUBTOTAL (1) (\$)</th> <th>964.00</th> </tr> <tr> <th colspan="2"></th> <th colspan="2">SUBTOTAL (2) (\$)</th> <th>0.00</th> </tr> <tr> <th colspan="2"></th> <th colspan="2">SUBTOTAL (3) (\$)</th> <th>130.00</th> </tr> </thead> </table> <table border="1"> <thead> <tr> <th colspan="2"></th> <th colspan="2">TOTAL (\$)</th> <th>1094.00</th> </tr> </thead> </table> <b>CORRESPONDENCE ADDRESS</b> <p>Direct all correspondence to:</p> <p>Patent Administrator    Testa, Hurwitz &amp; Thibeault, LLP    High Street Tower-125 High Street    Boston, MA 02110    Tel. No.: (617) 248-7000    Fax No.: (617) 248-7100</p>		Large Entity		Fee Description	Fee Paid	Fee (\$)	Fee (\$)	770	Utility filing fee	770.00		340	Design filing fee			160	Provisional filing fee				Number Filed	Number Extra	Rate	Amount	Total Claims	26	- 20 = 6	x \$ 18.00 =	108.00	Independent Claims	4	- 3 = 1	x \$ 86.00 =	86.00	<input type="checkbox"/> Multiple Dependent Claim(s), if any			\$290.00 =						TOTAL: 964.00	SMALL ENTITY DISCOUNT:		SUBTOTAL (1) (\$)	964.00			Claims Remaining	Highest No. Previously	Present Extra	Rate	Fee Paid	After Amend.	Paid For				Total	-	=	x \$ 18.00 =		Indep.	-	=	x \$ 86.00 =		<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$290.00 =				TOTAL:	(\$)				SMALL ENTITY DISCOUNT:	(\$)				SUBTOTAL (2)	(\$)	0.00			SUBTOTAL (3) (\$)		130.00			SUBTOTAL (1) (\$)		964.00			SUBTOTAL (2) (\$)		0.00			SUBTOTAL (3) (\$)		130.00			TOTAL (\$)		1094.00	<b>SIGNATURE BLOCK</b> <p>Respectfully submitted,</p> <p><i>[Signature]</i>    John V. Forcier    Attorney for the Applicants    Testa, Hurwitz &amp; Thibeault, LLP    125 High Street    Boston, MA 02110</p>	
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**TRANSMITTAL  
FORM**

	Application Serial Number	10/795,966
	Filing Date	March 8, 2004
	First Named Inventor	Marshik
	Group Art Unit	3634
	Examiner Name	Not yet assigned
	Attorney Docket No.	BSI-036
	BATCH NO. (after allowance)	Not applicable
	Patent No.	Not applicable
	Issue Date	Not applicable

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <input checked="" type="checkbox"/> Formal Drawings (4 pages)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)	<input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]	<input type="checkbox"/> Terminal Disclaimer  <input checked="" type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input checked="" type="checkbox"/> Additional Enclosure (please identify below) <input checked="" type="checkbox"/> Transmittal of Formal Drawings (1 pg.)
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> CD(s) for large table or computer program	<input checked="" type="checkbox"/> Supplemental Application Data Sheet (3 pgs.) <input checked="" type="checkbox"/> Patent Practitioners of Record Under 37 CFR § 1.32(c)(3) (1 pg.)
<input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS	<input type="checkbox"/> Amendment After Allowance  <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above		

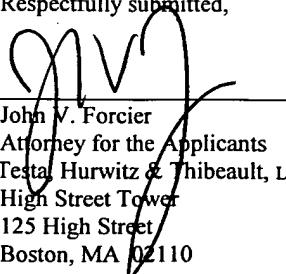
**CORRESPONDENCE ADDRESS**

Direct all correspondence to: Patent Administrator  
 Testa, Hurwitz & Thibeault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

**SIGNATURE BLOCK**

Date: July 28, 2004  
 Reg. No. 42,545  
 Tel. No. (617) 248-7675  
 Fax No. (617) 248-7100

Respectfully submitted,

  
 John V. Forcier  
 Attorney for the Applicants  
 Testa, Hurwitz & Thibeault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110



**PATENT**  
Attorney Docket No. BSI-036  
(354/73)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Marshik et al. CONFIRMATION NO. 8628  
APPLICATION NO.: 10/795,966 GROUP NO.: 3634  
FILING DATE: March 8, 2004 EXAMINER: Not yet assigned  
TITLE: Balance Shoe for Tilt-In Window Sashes

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF FORMAL DRAWINGS**

Attached please find the formal drawings for this application - Number of Sheets - 4.

Respectfully submitted,

  
John V. Forster  
Attorney for the Applicants  
Testa, Hurwitz & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110

Date: July 28, 2004  
Reg. No. 42,545

Tel. No.: (617) 248-7675  
Fax No.: (617) 248-7100

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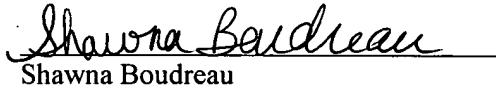
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TITLE: Balance Shoe for Tilt-In Window Sashes

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the 28th day of July, 2004.

  
Shawna Boudreau

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Submitted herewith are:

1. Transmittal Form (1 pg.);
2. Fee Transmittal (1 pg.);
3. Transmittal of Formal Drawings (1 pg.);
4. Formal Drawings (4 pgs.);
5. Declaration and Power of Attorney (4 pgs.);
6. Patent Practitioners of Record Under 37 C.F.R. § 1.32(c)(3) (1 pg.);
7. Supplemental Application Data Sheet (3 pgs.);
8. Check in the Amount of \$1094.00;
9. Copy of Notice to File Missing Parts of Nonprovisional Application (2 pgs.); and
10. Return receipt postcard.

3099854